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REMARKS

Claims 1, 5-8, and 14-30 are pending in the application. Claims 14-30 were previously withdrawn. Claims 2-4, 9-13, and 31-32 are cancelled without prejudice or disclaimer. Claims 1 and 5-8 are amended. The amendments contain no new matter and are supported by Applicants' original specification, including the drawings and the original claims.

In view of the foregoing amendments and the following discussion, the Applicants respectfully submit that the claims now pending in the application are patentable over the cited references under 35 U.S.C. §103 and are in condition for allowance.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

Claims 1-10, 13, 31 and 32

The Office Action rejected claims 1-10, 13, 31, and 32 as being unpatentable over U.S. Patent No. 6,484,199 to Eyal in view of U.S. Patent No. 6,029,195 to Herz.

A *prima facie* case of obviousness under 35 U.S.C. §103 requires some suggestion or motivation to modify the reference or combine reference teachings, a reasonable expectation of success, and that the combination of references teach or suggest all the claim elements.

The rejection is respectfully traversed, because the combination of Eyal and Herz fails to teach or suggest all the claim elements. For example, the combination of Eyal and Herz fails to teach or suggest calculation of a server hotness rating for each SM object, where the server hotness rating is a sum of helper hotness ratings over the helpful servers and the helper hotness ratings are a local measure of client demand for each SM object, as in claim 1. Another example is that the combination of Eyal and Hers fails to teach or suggest at least helpful server pulling a fraction of each SM object from a content server, as in claim 5.

Claim 1 recites, inter alia, "calculating, at a content server that is hosting a plurality of SM objects, a server hotness rating for each SM object, said content server being connected to a plurality of helpful server (HSs) in a network, each server hotness

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rating being a sum of helper hotness ratings over said HSs, each helper hotness rating being a local measure of client demand for each SM object."

Eyal fails to teach or suggest the claimed calculation of a server hotness rating for each SM object, where the server hotness rating is a sum of helper hotness ratings over the helpful servers and the helper hotness ratings are a local measure of client demand for each SM object. In contrast, Eyal stores ratings based on user voting among metadata for media in a database. (Eyal, figure 14, col. 12, lines 37-67 and col. 30, line 13 to col. 31, line 63). In addition, Eyal fails to disclose the claimed calculating content server connected to helpful servers in a network, where the content server hosts SM objects for distribution by helpful servers to clients.

Herz also fails to teach or suggest the claimed calculation of a server hotness rating for each SM object, where the server hotness rating is a sum of helper hotness ratings over the helpful servers and the helper hotness ratings are a local measure of client demand for each SM object. In contrast, Herz constructs a target profile and a user profile interest summary to determine which objects are most likely to be of interest to each user.

Therefore, the combination of Eyal and Herz fails to teach or suggest the claimed calculation of a server hotness rating for each SM object, where the server hotness rating is a sum of helper hotness ratings over the helpful servers and the helper hotness ratings are a local measure of client demand for each SM object. Thus, claim 1 is patentable over the combination of Eyal and Herz under 35 U.S.C. §103.

Claim 5 recites, inter alia, "pulling, by said HS from said content server, a fraction of each SM object, said fraction being determined according to said helper hotness category, said HS caching said fractions of each SM object for distribution to a plurality of clients."

Eyal fails to teach or suggest the claimed helpful server pulling a fraction of each SM object from a content server. In contrast, Eyal discloses streaming whole media objects from Internet sites using a playback module and play lists and metadata stored in a database. (Eyal, abstract, Figures 1 and 2, col. 11, line 59 to col. 16, line 54.)

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Herz also fails to teach or suggest the claimed helpful server pulling a fraction of each SM object from a content server. In contrast, Herz also discloses sending whole target objects, e.g. documents, files, articles. (Herz, col. 45, lines 13-33.)

Therefore, the combination of Eyal and Herz fails to teach or suggest the claimed helpful server pulling a fraction of each SM object from a content server. Thus, claim 5 is patentable over the combination of Eyal and Herz under 35 U.S.C. §103.

Claims 6-8 depend from claim 5 and, thus, inherit the patentable subject matter of claim 5, while further defining elements and adding additional elements. Therefore, claims 6-8 are also patentable over the combination of Eyal and Herz under 35 U.S.C. §103.

CONCLUSION

Thus, Applicants respectfully submit that the pending claims are patentable over the cited references under 35 U.S.C. §103. Consequently, the Applicants believe that the pending claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring any adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 6/1/05

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